

July 7, 2004 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

04AN0256

Theresa and Tommy Barlow

Bermuda Magisterial District
4104 Kings Gate Road

REQUEST: A two (2) foot Variance to the four (4) foot fence height limitation in a corner side yard in a Residential (R-12) District.

RECOMMENDATION

Recommend approval of this request for the following reasons:

- A. Variance will not impair the character of this residential area.
- B. Variance will not reduce or impair the value of the buildings or property in the surrounding area.

GENERAL INFORMATION

Location:

Property is known as 4104 Kings Gate Road. Tax ID 788-660-1250 (Sheet 26).

Existing Zoning:

R-12

Size:

0.4 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-12; Residential

South - R-12; Residential

East - R-12; Residential

West - A; Residential

Utilities:

Public water and sewer

General Plan:

(Chester Village Plan)

Residential
(1.01 to 2.50 units per acre)

DISCUSSION

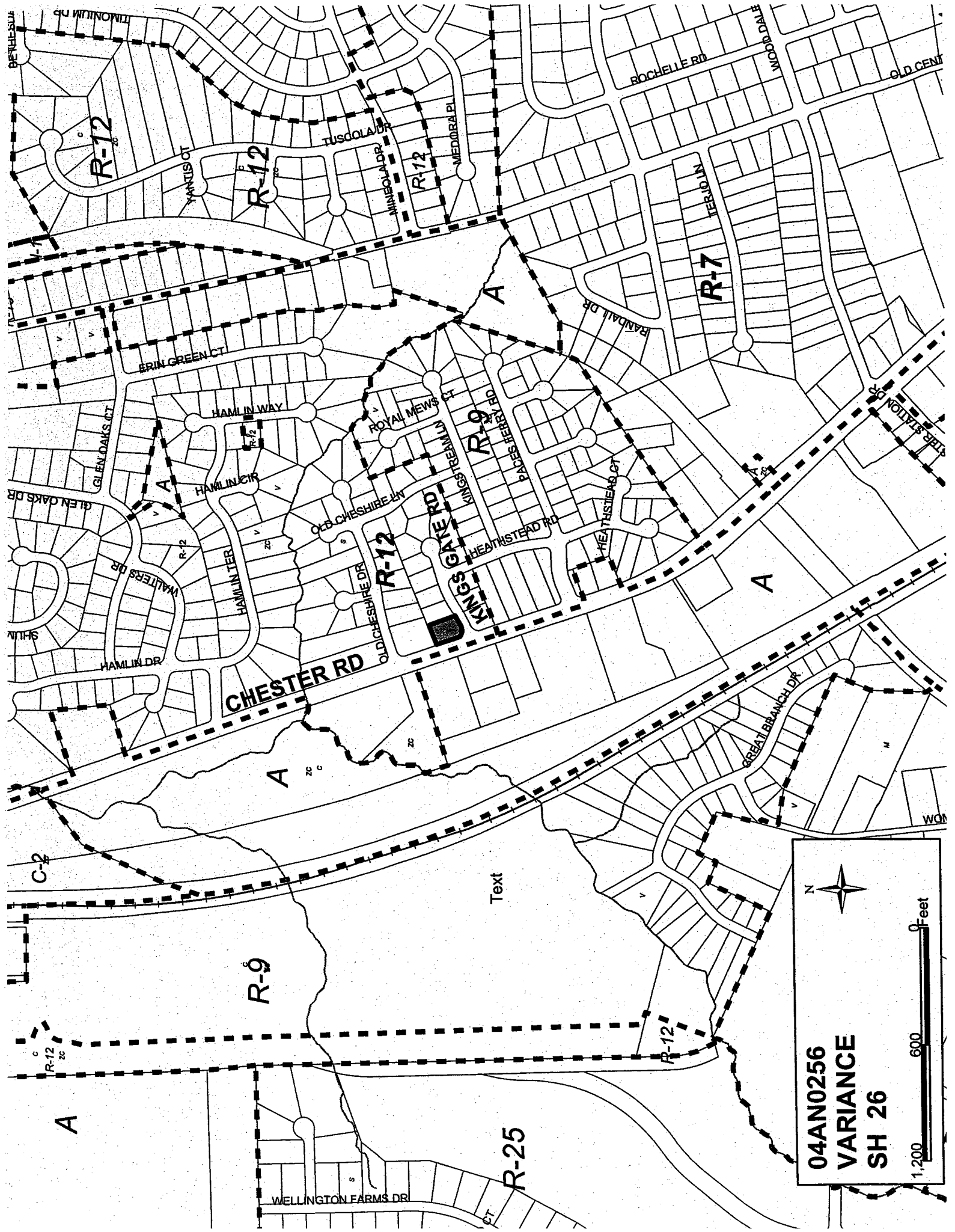
The applicants have indicated there is a six (6) foot fence in the corner side yard. The Zoning Ordinance limits the fence height to four (4) feet in the corner side yard. Therefore, the applicants request a two (2) foot Variance (see attached site plan).

The applicants provide the following justification in support of this request:

Our fence has been up since 1993. It is sided on Chester Road which has a fifty-five (55) mile per hour speed limit. It is a very busy road and our fence provides us some privacy along with safety, we feel, for our children and pets. We have letters from our neighbors attached along with an appraisal from 1993 showing our fence. This fence has been there for eleven (11) years. The County noticed our fence when we put up a new deck and there were never any complaints from anyone.


This request complies with the Comprehensive Plan which suggests the property is appropriate for residential use of 1.01 to 2.50 units per acre.

Staff has reviewed the attached site plan and application. Staff believes that this request will not reduce or impair the value of the dwellings or property in the area. Further, the fence has been on the property for eleven (11) years without adversely impacting the subject property or adjacent properties. Therefore, staff recommends approval of this request.




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VARIANCE
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1,200 600 0 Feet



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